

**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Application of:)	
)	Case No. 1D 2007 65240
)	
Willie A. Davis)	Order Granting Initial Probationary License
)	
)	
<u>Applicant</u>)	

1) Willie A. Davis is graduate of the physical therapist assistant program at San Diego Mesa College in (San Diego, California). The applicant first filed his physical therapist assistant application on or about June 14, 2007 in the State of California.

2) Mr. Davis submitted an application for physical therapist assistant licensure to the Physical Therapy Board of California. Question # 18 of the application asks: "Have you ever been convicted of, or pled nolo contendere to any offense in any state in the United States or a foreign country?" The applicant disclosed criminal history and signed his application on June 6, 2007, certifying under penalty of perjury under the laws of the State of California that the information contained in the application were true and correct.

3) On August 21, 2007, the Physical Therapy Board received court records pertaining to Willie A. Davis, Jr., physical therapist assistant applicant. Mr. Davis' conduct as an employee of the U.S. Postal Service, where he willfully and knowingly embezzled money orders and converted them for his own use, resulted in a conviction. On April 18, 2000, Mr. Davis was charged with several counts of embezzlement from the U.S. Postal office. On March 17, 2006, Mr. Davis agreed to plead guilty to a misdemeanor violation of 18 U.S.C., section 641 (Theft of Public Money, Property, and Records of the United States whose value is less than \$1000), was placed on supervised probation for 5 years and continues to pay restitution.

The above findings support a conclusion that your criminal actions which occurred in the year 2000 conclude that grounds for denial exist pursuant to sections 480(a) 1,2, and 3.

JURISDICTION

4) Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done

any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license... revealed in the application for such license. The above findings support a conclusion that grounds for denial exist pursuant to Sections 480 (a)(1)(2) and (3).

5) Section 2660(d) of the Business and Professions Code states the board may revoke, suspend or impose probationary or provisional conditions on a license for the conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist.

6) Section 2660.2 of the Business and Professions Code, the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

7) Section 2661 of the Business and Professions Code states the board may suspend, revoke, or decline to issue a license to a person who is convicted of a felony or any offense that substantially relates to the qualifications, functions, or duties of a physical therapist.

ORDER

IT IS ORDERED THAT licensure as a Physical Therapist Assistant is hereby issued to Willie A. Davis subject to the following terms and conditions for a period of five (5) years:

1. PROBATION The applicant shall be placed on probation for a period of five (5) YEARS.
2. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.
3. COMPLIANCE WITH ORDERS OF A COURT The Applicant shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probati
4. COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF RESTITUTION Applicant shall not violate any terms and conditions of criminal probation and shall be in compliance with any restitution ordered, payments, and other orders.
5. QUARTERLY REPORTS Applicant shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.
6. PROBATION MONITORING PROGRAM COMPLIANCE Applicant shall comply with the Board's probation monitoring program.

7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in person for interviews with the Board, or its designee, upon request at various intervals.
8. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The Applicants shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employers, and submit written employer confirmation of receipt to the board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.
9. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The Applicant shall notify the Board, in writing, of any and all of name and/or address changes within ten days.
10. PROHIBITED USE OF ALIASES Applicant shall not use aliases and shall be prohibited from using any name which is not his/her legally-recognized name or based upon a legal change of name.
11. INTERMITTENT WORK If the Applicant works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The Applicant shall notify the Board if they work less than 192 hours in a three-month period.
12. TOLLING OF PROBATION The period of probation shall run only during the time the Applicant is practicing or performing physical therapy within California. If, during probation, the Applicant does not practice or perform within California, the Applicant is required to immediately notify the probation monitor in writing of the date that the Applicant is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the applicant in California prior to notification of the Board of the Applicant's return will not be credited towards completion of probation. Any order for the payment of cost recovery shall remain in effect whether or not probation is tolled.
13. VIOLATION OF PROBATION If Applicant violates probation in any respect, the Board, after giving Applicant notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
14. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH, OR OTHER REASONS Following the effective date of this probation, if Applicant ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation Applicant may request to surrender his/her license to the Board. The Board reserves the right to evaluate the Applicant's request and to exercise its discretion whether to grant the request, or to take any other actions deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer

renewable, the Applicant makes application for the renewal of the tendered license or makes application for a new license.

15. COMPLETION OF PROBATION Upon successful completion of probation, Applicant's license shall be fully restored.
16. PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the Applicant to perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that the applicant has been disciplined or that the applicant is on probation, shall be used as the sole basis for any third party payer to remove Applicant from any list of approved providers.
17. PROBATION MONITORING COSTS Applicant shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Applicant will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.

RESTRICTION OF PRACTICE – TEMPORARY SERVICES AGENCIES The Applicant shall not work for a temporary services agency or registry.

18. RESTRICTION OF PRACTICE-HOME CARE The Applicant shall not provide physical therapy services in a patient's home.
19. RESTRICTION OF PRACTICE-PRESENCE OF PHYSICAL THERAPIST REQUIRED: The Applicant shall be prohibited from working a shift for which there is not a physical therapist on duty in the facility.
20. RESTRICTION OF PRACTICE-PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Applicant shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Applicant shall not be a board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.
21. RESTRICTION OF PRACTICE-PROHIBITION OF DIRECT BILLING OF THIRD PARTY PAYERS Applicant shall not have final approval over any physical therapy billings submitted to any third-party payers in any employment.

THIS DECISION SHALL BECOME EFFECTIVE ON FEBRUARY 26, 2008.
IT IS SO ORDERED ON FEBRUARY 26, 2008.

ORIGINAL SIGNED BY: _____
STEVEN K. HARTZELL, Executive Officer
Physical Therapy Board of California